

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Health Discovery Corporation,

Plaintiff,

v.

Intel Corporation,

Defendant.

Civil Action No. 6:22-cv-00356-ADA<sup>1</sup>

The Honorable Alan D Albright

**JURY TRIAL DEMANDED**

**AMENDED SCHEDULING ORDER**

HDC filed a request to use the original case number on June 10, 2022. ECF No. 15, Case No. 6:22-cv-00356-ADA (W.D. Tex.). Intel opposed, and the parties briefed the issue. *See* ECF Nos. 16, 27, 32, 36, 40, Case No. 6:22-cv-00356-ADA (W.D. Tex.). The Court held a hearing on February 3, 2023, and has taken the issue under advisement. ECF No. 49 (Minute Entry), Case No. 6:22-cv-00356-ADA (W.D. Tex.). The Court ORDERS that the following deadlines will govern the above captioned case.

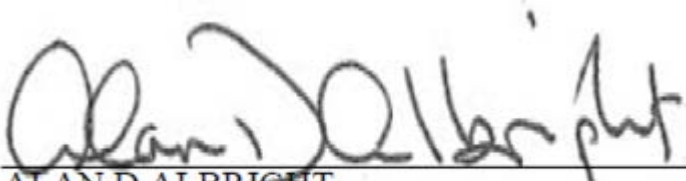
Deadline	Item
Completed July 14, 2022	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date ( <i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.

<sup>1</sup> The original case number is 6:20-cv-00666-ADA. The Court has taken HDC's request to use that case number under advisement. ECF No. 49 (Minute Entry).

Completed April 10, 2023	The Parties shall file a motion to enter an agreed First Amended Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of a First Amended Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
April 17, 2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
May 7, 2023	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within <b>5 business days</b> regarding the results of the meet and confer.
May 29, 2023	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
June 16, 2023	Close of Fact Discovery.
June 30, 2023	Opening Expert Reports: Plaintiff may serve an infringement report and a damages report; Defendant may serve an invalidity report.
July 28, 2023	Rebuttal Expert Reports: Plaintiff may rebut Defendant's invalidity report; Defendant may rebut Plaintiff's infringement and damages reports.
August 14, 2023	Close of Expert Discovery.
August 25, 2023	Dispositive motion deadline and Daubert motion deadline.  <i>See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</i>
September 8, 2023	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
September 15, 2023	Serve objections to pretrial disclosures/rebuttal disclosures.

October 6, 2023	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
October 13, 2023	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
October 20, 2023	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com.  Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
October 2, 2023	Parties to jointly email the Court's law clerk ( <i>see</i> OGP at 1) to confirm their pretrial conference and trial dates.
November 10, 2023.	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
November 14, 2023.	Final Pretrial Conference. Held in person unless otherwise requested.
November 27, 2023.	Jury Selection/Trial.

**SIGNED** this 17th day of April 2023.

  
 ALAN D ALBRIGHT  
 UNITED STATES DISTRICT JUDGE

Dated: April 3, 2023

Respectfully submitted,

**DUNLAP BENNETT & LUDWIG PLLC**

**PERKINS COIE LLP**

/s/ William W. Flachsbart

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***Attorneys for Defendant Intel Corporation***

**CERTIFICATE OF SERVICE**

I hereby certify that on April 14, 2023, the undersigned electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record registered to receive filings and notices in this action.

/s/ William W. Flachsbart  
William W. Flachsbart